IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.227 OF 2007
IN
CRIMINAL REVISION APPLICATION NO.341 OF 2007

Janardan Parshuram Mhatre .. Applicant
V/s
Vikas Gajanan Mhatre & Ors. .. Respondents

Ms.P.P.Tendulkar i/by Mr.S.P.Hulyalkar for Applicant.
Mr.A.R.Patil, APP for State.

CORAM : DR.S.RADHAKRISHNAN, &
SMT.R.S.DALVI, JJ.

DATE : 30th August, 2007.

P.C.:

1. Heard the learned Counsel for the Applicant and the learned APP for the State. In this matter the Applicant is the brother of the deceased, who had lodged the FIR with regard to the murder of his brother. The Applicant therefore was the main witness in the case. It appears that the Sessions Court has disposed of the case by acquitting the Accused by its order dated 5th July, 2002. However, the present Application does not contain any reason whatsoever as to why the said brother of the deceased did not know the result of the said case. There is no sufficient explanation with regard to the gross delay of about 4 years and 291 days in approaching this Court. Under these circumstances, we are not inclined to entertain this Criminal Application for condonation of delay in filing the Criminal Revision Application. Hence, the Criminal Application No.227/2007 stands dismissed.

2. In view of disposal of Criminal Application No.227/2007 nothing survives in the Criminal Revision Application No.341/2007. Hence, the Criminal Revision Application No.341/2007 also stands dismissed.

3. However, we make it clear that in the event the State were to file an appeal against the acquittal, the applicant will be entitled to assist the State in prosecuting the said Appeal.

(SMT.R.S.DALVI, J.) **(DR.S.RADHAKRISHNAN,J.)**